



Practitioner's Docket No. U 015659-2

*1651*  
*1651*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Shimon SLAVIN, et al

Serial No.: 10/526,597

Group No.: 1651

Filed: October 3, 2005

Examiner: Leon B. Lankford, Jr.

For: COMPOSITIONS COMPRISING BONE MARROW CELLS, DEMINERALIZED BONE MATRIX AND VARIOUS SITE-REACTIVE POLYMERS FOR USE IN THE INDUCTION OF BONE AND CARTILAGE FORMATION

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. The application is qualified as

- ☒ a small entity.  
☐ other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

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**37 C.F.R. 1.8(a)**

**37 C.F.R. 1.10\***

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: March 10, 2008

Signature

CLIFFORD J. MASS

*(type or print name of person certifying)*

*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

03/14/2008 RFEKADU1 00000005 10526597

01 FC:2251

60.00 DP

(Amendment Transmittal—page 1 of 4) 9-19

## EXTENSION OF TERM

**NOTE:** *"Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."*  
*Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** *See 37 C.F.R. §1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.*

**NOTE:** *37 C.F.R. § 1.704(b)". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."*

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply for a term of up to six (6) months.

*(complete (a) or (b), as applicable)*

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

| Extension<br>(months)                         | Fee for other than<br><u>small entity</u> | Fee for<br><u>small entity</u> |
|---|---|--------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00                                 | \$ 60.00                       |
| <input type="checkbox"/> two months           | \$ 460.00                                 | \$ 230.00                      |
| <input type="checkbox"/> three months         | \$ 1,050.00                               | \$ 525.00                      |
| <input type="checkbox"/> four months          | \$ 1,640.00                               | \$ 815.00                      |
| <input type="checkbox"/> five months          | \$ 2,230.00                               | \$ 1,110.00                    |
| Fee \$ <u>60</u>                              |   |                                |

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this is a conditional petition being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1)   |   |       | (Col. 2)                        |   | (Col. 3)         | SMALL ENTITY |            | OTHER THAN A SMALL ENTITY |          |            |
|--|---|-------|---------------------------------|---|------------------|--------------|------------|---------------------------|----------|------------|
| Claims Remaining After Amendment   |   |       | Highest No. Previously Paid For |   | Present Extra    | Rate         | Addit. Fee | OR                        | Rate     | Addit. Fee |
| Total  | * | Minus | **                              | = | x \$ 25          | \$           |            |                           | x \$ 50= | \$         |
| Indep.   | * | Minus | ***                             | = | x \$ 105         | \$           |            |                           | x \$ 210 | \$         |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claims |   |       |                                 |   | + \$185=         | \$           |            |                           | + \$370= | \$         |
|  |   |       |                                 |   | Total Addit. Fee | \$ _____     | OR         | Total Addit. Fee          | \$ _____ |            |

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. 1.116(a) (emphasis added).

### FEE PAYMENT

5. ☒ No additional fee for claims is required.

OR

- ☐ Total additional fee for claims required \$ \_\_\_\_.
- ☒ Attached is a check in the sum of \$ 60.
- ☐ Charge Account No. 12-0425 the sum of \$ \_\_\_\_.
- A duplicate of this transmittal is attached.

### FEE DEFICIENCY OR OVERPAYMENT

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

- ☒ Refund any overpayment to Account No. 12-0425.

Reg. No.: 30086

Tel. No.: (212) 708-1890

SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

P.O. Address

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New York, N.Y. 10023

Customer No.:



00140

PATENT TRADEMARK OFFICE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Attorney Docket No.: U 015659-2

Commissioner for Patents

P.O. Box 1450

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AMENDMENT

In response to the Official Action of 10 January 2008, please amend the application as follows:

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

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Date: March 10, 2008

Signature

CLIFFORD J. MASS

*(type or print name of person certifying)*

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.